

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-1-04

Rule Type: Rescission

Rule Title/Tagline: ODA-administered programs during the federal COVID-19 public health emergency.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 3/22/2022
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 121.07, 173.01, 173.02, 173.391, 173.392, 173.52, 173.522, 173.54, 173.543
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.391, 173.392, 173.52, 173.522, 173.54, 173.543
6. **What are the reasons for proposing the rule?**

Before ODA can finalize the rescission of this rule, it will no longer serve any purpose. Therefore, ODA proposes to rescind it.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

On October 18, 2021, ODA adopted rule 173-1-04 of the Administrative Code to extend regulatory relief or flexibility in ODA's rules that was in effect during the COVID-19 state of emergency declared by Governor DeWine until the end of the federal COVID-19 public health emergency (PHE). The rule did not create any new requirements for providers, AAAs, or PAAs. The rule also did not create any regulatory relief or flexibility other than to extend regulatory relief of flexibility already established in other rules until the end of the federal PHE.

Before ODA can finalize the rescission of this rule, ODA will have adopted amendments to rules 173-3-06.1, 173-3-06.2, 173-3-06.3, 173-3-06.4, 173-3-06.5, 173-3-06.6, 173-4-04, 173-4-05, 173-4-05.1, 173-4-05.2, 173-4-05.3, 173-4-07, 173-4-09, 173-4-10, 173-4-11, 173-39-02, 173-39-02.1, 173-39-02.7, 173-39-02.8, 173-39-02.10, 173-39-02.11, 173-39-03, 173-39-03.3, 173-39-03.4, 173-40-03, and 173-51-03 of the Administrative Code to address the federal PHE. Once ODA addresses the federal PHE in each of the aforementioned rules before ODA finalizes the rescission of rule 173-1-04 of the Administrative Code, rule 173-1-04 of the Administrative Code will no longer serve any purpose. Therefore, ODA proposes to rescind it.

ODA's proposal to rescind rule 173-1-04 of the Administrative Code will neither establish nor rescind any regulatory relief or flexibility established in the aforementioned rules.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

ODA's proposal to rescind this rule will have no impact upon the biennial budget that the Ohio General Assembly established for ODA in H.B. 110 (134th G.A.).

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Before ODA can finalize the rescission of this rule, it will no longer serve any purpose. Therefore, rescinding it will create no cost of compliance to any person or organization.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? No

17. Does this rule have an adverse impact on business? No

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

Before ODA can finalize the rescission of this rule, it will no longer serve any purpose. Therefore, rescinding it will create no requirements for any Ohio business.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?

Not Applicable